



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


|                                   |   |                     |
|-----------------------------------|---|---------------------|
| In re patent application of:      | ) | Before the Examiner |
| Bianchi et al.                    | ) | Suzette J-J Gherbi  |
|                                   | ) |                     |
| Application Serial No. 10/756,971 | ) | Group Art Unit 3738 |
|                                   | ) |                     |
| Filed January 13, 2004            | ) | Ref. No. MSDI-546   |
|                                   | ) |                     |
| OPEN INTERVERTEBRAL SPACER        | ) | July 14, 2006       |

## RESPONSE TO FIRST OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the first Office Action dated April 17, 2006, please enter and consider the following amendments and remarks. No extension fees are believed to be due with regard to the filing of this Response. However, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

|   |       |
|---|-------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: |       |
| July 14, 2006   | _____ |
| Date of Deposit   | _____ |
| Brad A. Schepers  | _____ |
| Name of Registered Representative   | _____ |
|   | _____ |
| Signature   | _____ |
| July 14, 2006   | _____ |
| Date of Signature   | _____ |

### **INTRODUCTORY COMMENTS**

Claims 63 and 70-114 were pending in the subject application for the first Office Action. Claims 63 and 70-114 have been rejected and objected to on various grounds. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.